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AMERICAN ASSOCIATION OF LAW LIBRARIES

MINUTES OF THE ANNUAL MEETING, HELD IN THE RED PARLOR OF THE NEW EBBITT HOUSE, WASHINGTON, D. C., MAY 25-26, 1914.

FIRST SESSION, MAY 25, 1914, AT 10 A.M.

THE PRESIDENT: This is the ninth annual meeting of the association. Our first meeting was held in 1906 at Narragansett Pier; our second, in 1907, at Asheville, North Carolina; our third in 1908, at Lake Minnetonka, Minn.; our fourth, in 1909, at Bretton Woods, New Hampshire; our fifth, in 1910, at Mackinac Island, Michigan; our sixth, in 1911, at Pasadena, Cal.; our seventh, in 1912, at Ottawa, Canada; our eighth, in 1913, at the Hotel Kaaterskill, in the Catskills.

Many thanks are due the local members of our Program Committee and our secretary for their successful efforts in arranging the details of this meeting.

I will not take your time further than to report on one matter. The terms of affiliation with the American Library Association, which are in process of revision, have not yet been settled. The council of the American Library Association meets in a few days, and I think the matter will be arranged at that time. Your president was given power, within limitations, to make an arrangement. The American Library Association has begun to be of the opinion that the meetings of the combined associations should be held in the larger cities. The experiences at the Kaaterskill, where there was only one hotel, and where so many really suffered for lack of proper accommodation, food, etc., was the deciding consideration. So long as all the associations meet together, it must be in the larger centers, where efficient local committees can be organized, and where there is plenty of hotel accommodation. Of course in the larger cities people are apt to be attracted from the meetings, but all who are really interested will attend them, no matter what the outside attractions are; and after all the meetings are only for such people. It is also possible to get greater publicity where there are strong local committees, and publicity to organizations such as ours is important.

The minutes of the Kaaterskill meeting were printed in the January number. What is your pleasure with regard to them?

Motion made and seconded that the reading of these minutes be dispensed with, and that they be approved as printed. Carried.

The report of the Executive Committee is in the January number of the *Index*, so that unless there is some objection that report will stand as printed. I hear no objection. The report stands as printed.

The next item is the report of the treasurer. Mr. Whitney has written that he is unable to be here, and has sent his report which will be read by Miss McClatchey.

MONTPELIER, VT., MAY 22, 1914.

To the American Association of Law Libraries:

Your treasurer respectfully reports receipts and expenditures from June 21, 1913, to May 22, 1914, as follows:

Receipts.

Balance on hand June 20, 1913	$322.43	
Dues received from June 21, 1913-May 22, 1914.	106.00	
Subscriptions to the *Index* from June 21, 1913-May 22, 1914	442 00	
Advertising in the *Index* from June 21, 1913-May 22, 1914	237.50	
Making a total of		$1107.93

Expenditures.

GENERAL EXPENSES:		
Western Union telegram (cash)	$ .49	
Capital City Press	9.00	
G. E. Woodard	24.30	
H. A. Withers	2.05	
C. L. McGuinness	25.00	
Capital City Press	5.00	
American Law Book Co	5.12	
E. L. Whitney	16.75	
Index.		
Index Press	124.56	
American Law Book Co., freight on books	2.03	
F. W. Schenk	80.00	
Index Press	118.65	
F. W. Schenk	80.00	
American Law Book Co., freight	1.85	
Index Press	109.71	
H. L. Butler	16.20	
F. W. Schenk	110.00	
		$730.71
Balance on hand May 22, 1914		$377.22

No. 4, the cumulative number of Volume 6, has not been paid for, as there has been no bill rendered to date.

Of the balance, as above stated, $376.79 is deposited in the First National Bank, Montpelier, Vt.; the balance, $.43, is on hand.

Respectfully submitted,

E. LEE WHITNEY,
Treasurer.

THE PRESIDENT: It has been customary to appoint an auditing committee to go over the treasurer's account. He has sent his books and vouchers here, and the matter can be disposed of within a short time.

Motion made and seconded that an auditing committee consisting of three be appointed to examine the treasurer's account. Carried.

WASHINGTON, D. C., May 25, 1914.

To American Association of Law Libraries:

Your committee appointed to audit the accounts of the treasurer report that we have examined the book and vouchers of his office and from the same certify his statement to be correct.

E. A. FEAZEL,
MATTIE PLUNKETT,
C. WILL SHAFER.

THE PRESIDENT: The next item is the report of the Committee on Legal Bibliography.

Mr. Small's report will appear in a subsequent issue of the *Journal*.

Motion made and seconded that the report of the Committee on Legal Bibliography be adopted with amendment by Mr. Shaffer, that the details mentioned therein be brought up at some future meeting for discussion and action, and that the Executive Committee be instructed to see that it is so brought up. Carried.

THE PRESIDENT: The next report is that of the Committee on Reprinting the Session Laws.

DR. WIRE, Chairman: This committee reports the Iowa Reprint, of which Mr. Small can give full particulars. Also the appearance of volume 2 of the New Hampshire Reprint of Colonial Laws, 1702-1745. A third volume will complete the colonial period. By so doing New Hampshire will take its place on the honor roll of the majority of the thirteen original states who have officially reprinted in separate and legal form their colonial session laws. This is not to be understood as in any way disparaging the action of the others of the thirteen original states who have reprinted their laws as a part of their historical records, either officially or semi-officially.

In the first group of admitted states the following still need official reprints, so far as we are able to determine: Vermont, 1791; Kentucky, 1792; Tennessee, 1796; Ohio, 1802; Louisiana, 1812; Mississippi, 1817; Illinois, 1818, in part; Alabama, 1819; Maine, 1820; Missouri, 1821; Arkansas, 1836; Michigan, as a state, 1835; Florida, 1845; Wisconsin, partly. In the second group of admitted states Oregon is the only one which really needs reprinting. Its early numbers command prices out of all proportion to their age, size, and importance.

Moved and seconded that the report be accepted. Carried.

THE PRESIDENT: We come now to the report of the Joint Committee of the American Association of Law Libraries and the National Association of State Libraries upon a national legislative information service.

Your joint committee upon a national legislative information service respectfully reports as follows:

In these days of easy and quick communication and transportation the interests and welfare of our several states are fast being unified. It is therefore most desirable that so far as possible the laws of the several states along well defined interstate topics should be uniform. To this end, it is essential that so far as possible proposed legislation and progress of the same should be easily accessible at our several capitals. To make such information of real value the *service* must be prompt and regular. The *information* must be reliable and so far as possible digested. It must be confined to the work of legislation and the activities of our several legislatures. Last and not least, our service must be *national.* No one state, nor group of states, can determine what is necessary for any other state, or group of states. Neither can the activities of the legislature of any state, or group of states, be disregarded.

The service must be national, but so planned as to permit any state to discard such of the material as it may care to disregard.

Your committee is pleased to report that it is convinced that such a national legislative information service at a nominal price is possible, feasible, and desirable. We recommend that a special committee, of whom the present president shall be one, be appointed to represent this association in conference with a similar committee already appointed by the American Association of Law Libraries, to confer with the Law Reporting Company of New York, who has expressed its willingness to undertake to render such a service at a minimum of cost, probably not to exceed $100, for the year 1915. The ability of this firm to render such a national legislative information service we believe is unquestioned, as it has an international reputation for accuracy and promptness and has representatives at our several capitals.

Respectfully submitted,

GEO. S. GODARD,
Chairman.

THE PRESIDENT: Do you move that the old committee be discharged and a new one appointed?

MR. GODARD: That is not the idea.

THE PRESIDENT: I think the old committee should be continued.

MR. GODARD: My idea is that those on the present committee are fully persuaded, and perhaps over-persuaded. It would be a good plan to have a committee who have not been over-persuaded, and let them investigate and report.

Motion made and seconded that a committee be appointed to work with the present committee. Carried.

MR. CHENEY: How many subscribers are you desirous of getting?

MR. GODARD: There was no minimum number set at this time. Mr. Allen stated that he would be willing to keep a separate account of this service (which would be given on cards), he crediting what he received from patent medicine men, insurance companies, and everyone else, and what he received from the law libraries, against the actual cost; or he would credit everything and divide up the

balance in any way to show that he had confidence in its success. The last time we had, I believe, twenty libraries, and we were one or two short.

THE PRESIDENT: We will now have the report of the Committee on Latin American Laws.

MR. FIELD: This committee has not been able during the past year to obtain any new information concerning the Latin American laws. It seems to be a very hard subject on which to obtain data. We are still expecting a report—probably during the next year—from Mr. Register of the University of Pennsylvania, who is traveling through the South American countries. He has promised to give us the benefit of such data as he can obtain. I would say for your information that in preparing the program for this meeting we had some correspondence with the Pan American Union, of this city, requesting that some officer of that bureau appear before the association and address us concerning the laws of those countries. They replied that they did not have sufficient information in their bureau to prepare even a memorandum of the legal bibliography of the Latin American countries. They have promised, however, that during the next year they will take up the subject with the proper institutions in each of these countries, requesting the information we desire, and they expressed a hope that at some future time they might be of assistance to the association. I might call your attention to a publication with which you are probably familiar, prepared by Mr. Kaiser, of the law library of the University of Illinois, entitled, "National Bibliographies of the South American Republics." It is a pamphlet which sells for 25 cents.

Moved and seconded that the report be received and placed on file as a matter of record. Carried.

MR. THOMPSON: I have been asked to supplement this report with a statement to the effect that the Library of Congress has collected on one of the walls of the north court in the main building our Latin American laws, as an exhibit, where it may be inspected by members of the association. I would also say that it is probable that a list of Latin American legal literature will be appended to the "Guide to Spanish Law," which is now in preparation in our series of foreign law guides by Mr. Palmer of the Harvard Law School, who is in Spain studying the material, and who is expected to return next month. The publication will probably be issued in the late fall.

THE PRESIDENT: The next item is the report on Catalogue Subject Headings.

MR. CHENEY: Our committee has had no activities during the past year.

THE PRESIDENT: Mr. Thompson, if you have anything to bring up with reference to the list of subject headings, we should like to hear you.

MR. THOMPSON: There is nothing special to be said. We are using it in re-cataloguing the Library of Congress collection, and from time to time are making additions. It is possible we may issue a supplementary list of corrections during the summer, something after the style of that issued by the catalogue division in relation to the general subject heading list. There is nothing new at present regarding it. I do not know whether I am still a member of the committee, but would like to suggest the desirability of discharging the committee, as the work is done.

MR. CHENEY: I move that the Committee on Subject Headings be discharged.

MR. SHAFFER: I do not see the use of that. Mr. Thompson is the man to put at the head of that and get out a list of subject headings.

MR. THOMPSON: The list has been gotten out and I don't suppose there is anything more to be done about it until the Library of Congress has made up the catalogue.

THE PRESIDENT: Are we to understand that the Library of Congress will not issue a new edition until the catalogue is finished?

MR. THOMPSON: Yes.

MR. SHAFFER: I suggest that the committee be continued until this supplemental list is published.

MR. CHENEY: The work is being carried on by the Library of Congress, and there is no reason why the committee should be longer retained.

MR. SMALL: I am in accord with Mr. Shaffer's suggestion. It seems to me that though there may not be much to report, the association should be in touch with the Library of Congress and that we ought to have a representative there. I hope the substituted motion will prevail, and I second it.

THE PRESIDENT: That should be considered an amendment to the first motion and it is seconded. What is your pleasure with regard to the amendment?

MR. CHENEY: I accept this amendment to my motion. It will therefore read that the committee be continued until such time as this supplemental list shall have been published.

Motion carried.

MR. HICKS: In this connection, it might be interesting for the committee to investigate the possibility of having guide cards printed from these subject headings as far as they have been determined. The Library Bureau is ready to print these, using celluloid guide cards, if the association will give them a list of subject headings to print. If this were done, it would be one more step towards having the same aids in making law catalogues that are available for general catalogues. It need not be a complete list, but only so far as it has been made up.

MR. CHENEY: I think that is a good suggestion. It should be done in such a way that some uniformity can be established for all law libraries. I shall be very glad to take that up if I remain on the committee.

THE PRESIDENT: We will now hear the report of Mr. Cheney as chairman of the Committee on Law Libraries and Law Librarians.

MR. CHENEY: Since the publication of the list of law libraries in October, 1912, the committee has not systematically gone after information. We have received a number of communications from different libraries notifying us of changes in the personnel of the staff and one or two additions to libraries, but these have not been included in the list. At some time a supplemental report may be made. I make this statement by way of reporting progress. The committee is not actively doing anything to keep the list up to date except as the information is sent to us, because the expense of circularizing the United States is considerable, and until some time has elapsed, the expense would not seem justified.

THE PRESIDENT: The next report is that of the Committee on the Uniform-

ity of Session Laws and Documents. I understand that Mr. Reinick, who was chairman of that committee, has left library work and no report has been sent.

We come now to the matter which Mr. Cole has to present, viz., the expression of pagination in cataloguing by means of symbols.

MR. COLE: My real purpose in getting this subject on your program is to make a motion for the appointment of a committee. After I have done that, my interest will be directed largely toward securing a printed statement of a proper system, in order that we may have a uniform practice—in order, in other words, that persons doing such work may have a common language. There is no system of any kind in print, so far as I know, and I find from correspondence with librarians and others that I do not understand their system of expressing the pagination and of otherwise describing the books. It seems to me highly desirable that there should be inaugurated, perhaps by this association, a system, to be printed in its *Journal* or elsewhere, so that those who choose to use it may do so, and in that way understand what others who use it mean. I move that the president appoint a committee of three to consider the adoption by this association of a system of symbols to indicate the pagination of books, with exact definitions of each, and other rules and definitions for use in describing books and cataloguing them, such system and definitions to be reported to this association at its next meeting, for adoption or rejection by it, and printed in the *Law Library Journal.*

Motion seconded and carried.

MR. SHAFFER: I suggest that this committee, before the next meeting, have the report printed.

THE PRESIDENT: Mr. Schenk, unfortunately, could not come on, so that we cannot have a report from the editor. The January number was delayed on account of Mr. Schenk's illness. The April number is about to be distributed.

Mr. Colson has had correspondence with Mr. Hewitt and myself with reference to the *Law Library Journal.* You will recall that at the Kaaterskill meeting last year there was considerable discussion over ways and means of improving the *Journal,* so as to make it really useful. Resolutions were adopted, but so far nothing has been accomplished. Mr. Colson was very much of this opinion, so I suggested through the Program Committee that he prepare a paper and statement for us. He could not be present, so he has sent a letter and I will ask Mr. Hendrickson to read it.

Mr. Franklin O. Poole, New Ebbitt House, Washington, D. C.:

MY DEAR MR. POOLE:

I was surprised, upon the receipt of the formal program of the American Association of Law Libraries, to find that I was down formally on the program for a paper on the *Law Library Journal.* I had assumed that there was to be a round table discussion, with no one individual's name brought out specifically on the program, and that my letter to you was to be simply one contribution, and because of the fact that so many others in the association know much more about the *Law Library Journal* than I do, a very minor contribution to this discussion. The members of the association who have, without any financial remuneration, given freely of their time and made many sacrifices—who know the history of

the *Journal* from the outset and the actual conditions, past and present —are the ones who are entitled and who ought to be heard. Under the circumstances it would be the height of presumption on my part to assume to speak authoritatively on this subject. Any such attitude is farthest from my thought. In what I may say, I am simply endeavoring to contribute a small part to what I hope and expect will be a much larger discussion of the entire matter.

Before writing this letter, in order to refresh my memory, I read over all of the *Journal* that has as yet been issued. I confess that I was genuinely surprised at the large amount of really important matter that has already been published. I admit that I finished the reading with a greater appreciation than I had before of our indebtedness to those members of the association who have struggled under great handicaps with the publication. This leads me to believe, however, that with more coöperation on the part of the members generally, the *Journal* can be considerably improved. I finished the reading with a feeling of encouragement, not of discouragement.

At the outset of this discussion, I assume it is self-evident that the first thing to do is to attempt to get as definite an idea as possible of what we want the scope and character of the *Journal* to be.

A process of elimination is often helpful in clarifying a situation. Let us start out by attempting to agree on what the *Journal* should not try to cover. I lay down the general governing principle that at least for the present we should not attempt to cover any field that is already adequately covered by other publications conveniently available to us.

There will doubtless be universal agreement on the proposition that we have no desire to publish legal articles of the character found in the *Harvard Law Review*, the *Columbia Law Review*, the *Michigan Law Review*, and similar publications, nor attempt to enter the field covered by their notes or comments on cases. Personally I doubt the wisdom of attempting much in the way of the ordinary reviews of books. Our field in this connection is rather to supplement these reviews by bibliographical details not customarily included in them.

When we come to such publications as the *Monthly List of State Publications*, the *Publishers' Weekly*, etc., the proper solution is perhaps not quite so clear. I feel, however, that, at least for the present, we should not enter the field which these and similar publications are attempting to cover. We are not (and perhaps never will be) in a position to do nearly as well as they are at present doing. I think the thing for us to do is to point out to the editors of publications of this class in what respects they fall short of our needs and endeavor to have these editors strengthen their publications in what, at least to us, are their weak spots. Perhaps we could coöperate with them in this connection, rather than attempt to compete with them in any large way. Publications, other than those mentioned above, with which we do not desire to conflict, will doubtless occur to others. I think it might be helpful to make a list of publications falling within this class. I have simply endeavored to state the general principle which I think should govern us.

Turning to the other side of the problem, the more important question is, what field should the *Journal* attempt to cover as fully as our circumstances will

permit. Using the terms in a very broad sense, I suppose the great bulk of the material that we should publish would fall into the following two classes:

1. Legal bibliography.
2. Personal notes and information generally relating to law libraries and law librarians.

What I have in mind will be better understood from what follows:

First of all, as to legal bibliography.

I think it must be that all of us have been frequently impressed with the fact that in general it is often difficult, and sometimes quite impossible, to get sufficiently adequate and accurate information with respect to legal material. While a great deal along the line of legal bibliography has, of course, been done, a good deal of the information which has been gathered is more or less tentative in character. Too little has been done once and for all time, so as to render further revision uncalled for. Do not misunderstand me. I fully, in fact very deeply, realize the difficulties in the way of reaching or of even closely approaching the ideal in much of this work. The final goal for a good deal of it can only be reached by a process of slow development or evolution—one starting it, a second adding to the work done by the first and perhaps correcting errors in it, a third doing likewise, and so on. Sometimes conditions exist (such as the actual loss of certain material, or at least the absence of knowledge of its existence by the proper persons) which make it impossible to do certain bibliographical work at all, at least for the time being. Much of this kind of work is not financially remunerative enough to permit those who could do it to undertake it. We need an endowment for some of this work. All this, and more, is, of course, true. Nevertheless, I think we will all concede that much bibliographical work is within the range of possibility and can, if a persistent and intelligent campaign is waged, be accomplished. At any rate this is certainly a field which it seems to me our association through its *Journal* ought to cover to the extent of our ability. This is where our *Journal* should excel.

Our association has already accomplished something along this line. For example, and to make my meaning clearer, I may call attention to the following articles which have already appeared in our *Journal:*

The Bibliography of Canadian Statute Law. By Mr. Eakins. Vol. 1, pages 61-78; vol. 2, pages 65-75.

Ohio Case Law. By Mr. Feazel. Vol. 4, pages 15-21.

Some Remarks on the Pennsylvania Side Reports. By Mr. Hewitt. Vol. 6, pages 5-19.

I would have liked it if Mr. Feazel and Mr. Hewitt had done something, perhaps in footnotes, in giving a collation of some of the more troublesome items. We should also get from Mr. Feazel a supplementary statement explaining the new constitutional and statutory provisions in his state relating to the courts and court reports, and the changes that have or will be brought about thereby; and from Mr. Hewitt the second paper referred to at the end of his article. I seize this opportunity, however, to thank these gentlemen for the assistance they have already given me, and I am sure the other members desire to join in this acknowledgment.

The above articles point the way to what can be done. Unfortunately, most of us are so busy with our routine duties that even granting that we have the ability to do similar work it is extremely difficult, and sometimes impossible, to find the necessary time to accomplish it. I fear many of us too often hang back and neglect to do anything at all simply because we cannot do all that we would like to do—we cannot reach an ideal we have before us, and the result is that we fail to do even what is reasonably within our limitations. I firmly believe that if each member of our association would make it a point to send to the editor of our *Journal* the little scraps of bibliographical interest that so frequently come to our attention in our routine work, in the aggregate our editor would receive considerable material of real importance and substantial value. Aided by judicious editing, and perhaps at times further inquiry before publication to bring out additional facts, considerable material well worth publishing would result from a small amount of individual effort on the part of our members. I would, of course, leave it to the discretion of the editor whether or not to publish any material offered.

To illustrate my point: A long time ago I discovered in my routine work as law librarian that there are two volumes of New York court reports, each volume generally referred to as volume 2 of the New York Civil Procedure Reports. One volume was reported with notes by George D. McCarthy, published by W. C. Little & Co., Albany, 1882, and contains 519 pages. The other volume was reported with notes by Henry H. Browne, published by S. S. Peloubet & Co., New York, 1883, and contains 479 pages. Some cases are reported in both volumes, but there are a good many cases reported in each volume which are not reported in the other. I believe, though I cannot state this positively, that there are some cases reported in one or the other of these two volumes, not reported elsewhere. I have found digest references to these two volumes without any indication as to which one of the two volumes was referred to.

The matter to which I have just referred is not of much importance. In fact, I have selected it for illustrative purposes very largely because it is rather insignificant. The very fact that this is so tends to make the person who happens to come across it hesitate to send it in as a contribution to legal bibliography. He doesn't want to put himself in the position of seeming to magnify a matter of small importance. He is perhaps somewhat afraid of being laughed at, for calling attention to something with which possibly everybody else except himself is already familiar. One item, or a small number of items of this character, might not be worth publishing, but I fancy that each one of us discovers in the course of a year enough items of this character to furnish our editor with at least some material worth preserving. Items of this character, coming from different sources, often dovetail together in the most unexpected ways. Or they may at times furnish clues to material of much greater value.

Much work still remains to be done on a bibliography of American statute law. I say this with some hesitation, for fear that some one may mistake my attitude toward the "Hand List of American Statute Law," which we owe to Mr. Belden and to Mr. Babbitt. I doubt whether anyone else appreciates this

work quite as much as I do, or has used it as much. It has been of very great value to me in my efforts to restore in the New York State Library our collection of American statute law. I would have been very seriously handicapped without it. I only wish I could look forward to doing anything along this line at all comparable in value to it. It was an immense step forward, and yet Mr. Belden and also Mr. Babbitt, if he were alive, would be the last persons to claim perfection for it. That something further was necessary was in a characteristic way modestly acknowledged by Mr. Belden in his preface. Among other things it will be remembered that he stated: "It is hoped that some specialist, who is fortunate in possessing ample time and sufficient means, will soon publish a full bibliography of American session laws." Comparisons are apt to be odious, but it must be that we all must inevitably think of Mr. Cole in this connection. Other persons may know as much about this or that part of American statute law as Mr. Cole does, but I do not believe that there is anyone else who knows nearly so much about the entire field as he does, and especially the more difficult parts of it. I assume it will be conceded that he is the best equipped person to carry forward the work Mr. Belden and Mr. Babbitt have so well begun, and I trust that he will very soon be in a position to undertake the task. In the meantime, is it not possible for us through our *Journal* to do something along this line? In the first edition of a big and complicated piece of work, such as the Hand List was, typographical errors are bound to occur, particularly with respect to the collation. The *Journal* could from time to time call attention to these errors. Furthermore, it is inevitable that in a work of that magnitude, some parts of the field will not be adequately or satisfactorily covered. Suggestions for the revision of such portions might be published in the *Journal*. In this and other ways, much important work could be done looking toward the publication of a second edition of the Hand List, or of some new independent work.

In reading the *Journal* over again I was much impressed with the great amount of information contained in the reports of the Committee on Securing Latin American Laws. These reports are valuable, not only because of the check-lists they contain, but also because of the detailed information as to whom to write for assistance in securing the material referred to. This latter information is oftentimes even more valuable to the law librarian than the former. It frequently happens that it is comparatively easy to secure certain material if one only knows to whom to apply for it. Such committee reports as the ones just referred to go very far to justify the existence of our *Journal*.

In giving the 1913 report of the Committee on Legal Bibliography (*Journal* vol. 6, pages 27 and 28), Mr. Small, the chairman, refers to the recommendations of the committee for a check-list of legal periodicals, and states that Mr. Babbitt agreed to undertake its preparation. I believe that Mr. William H. Winters of the New York Law Institute, probably now the dean of the law librarians in this country, and certainly one of our foremost bibliographical experts, is admirably fitted to prepare such a list. I suggest that he be asked to undertake the work.

Before leaving the 1913 report of the Committee on Legal Bibliography,

allow me to digress for a moment from the subject of this letter. The report on page 28 speaks of the "discontinuance" of the New York State Library Year Book of Legislation. If the committee meant by the word "discontinuance" any more than a temporary delay in the publication of the year book, it was in error. While it is true that the last year covered by the Index is 1908, it is hoped to bring the Index down to date as soon as circumstances will permit. The delay has been caused almost entirely by our disastrous fire. The copy for the Index for the years 1909 and 1910 was burned in the fire, and for some time after the fire conditions did not permit any work to be done on this publication. When work was finally resumed, it was decided, after careful consideration, to begin with the year 1911. Copy for this year (1911) will go to the printer shortly, and it is hoped that copy for 1912 will follow soon. The present intention is to go back and cover the years 1909 and 1910 at the earliest practicable moment, but no definite promises as to those years can be made at this time. The Digest of Governors' Messages, however, will probably be discontinued, and it is also probable that the Review of Legislation will be made cumulative for several years until the library has been able to bring the Review down to date.

At the 1913 meeting of the association, motions were made and carried that the editor of the *Journal* publish lists of the volumes (particularly the current volumes) of the statute law, court reports and digests issued in each state, and such lists of other law books as the editor in his discretion may determine. In order to comply with these directions, the editor must of course get his information from many sources, generally from persons in the various states. While in general I greatly doubt the efficacy of any system of coöperative editing, still I confess that under the existing financial conditions of the *Journal* I fail to see what the editor can do other than to rely very largely upon the members of our association to supply him with the necessary information relating to local publications.

Most of us attempt, I believe, to have on our shelves for each state the latest and best compilation or revision and the succeeding session laws. In states where there are several compilations or revisions purporting to cover the same ground (perhaps one is an official publication) it is sometimes hard for a person not familiar with local conditions to determine which is the best one for him to buy. Disinterested and judicious advice obtained through our *Journal* would be most helpful under these circumstances. This advice ought in many cases to consist of more than a mere list of books. For instance, a librarian in a distant state buys the official edition of the consolidated laws of New York, volumes 1-7, published in 1909, and volumes 8-9, published in 1910, and the session laws from 1910 to date. He might think that he had all the general and permanent existing statute law of the state. (I use the term "permanent" in a very loose sense in contradistinction to laws which although general in character were omitted from the consolidation because temporary). On the contrary, most of you know that he would lack our two practice acts, the code of civil procedure and the code of criminal procedure. The state has not published official editions of these codes since their original enactment as session laws in 1877, 1880, and

1881. All editions since then have been purely private and business enterprises. The New York State Library itself has to buy each year these unofficial editions of the codes, and for this reason is not in a position to supply them on exchange account. Another illustration: He buys Bagby's Annotated Code of the Public Civil Laws of Maryland, 2 volumes, 1911, "legalized" by Laws 1912, chapter 21. He can scarcely be blamed if he fails to notice that this publication does not contain article 27 on "Crimes and Punishments," the reason for the omission of which is stated in a note in volume 1, page 809.

In other words, lists of books, especially local books, ought to be annotated with information of the kind referred to above. But our editor, no matter who he may happen to be, cannot be expected to know local conditions in every state. He cannot rely upon publishers to furnish it to him. I see no way, taking into consideration our financial condition, except for him to fall back upon the members of our association for information of this character. We cannot, of course, be experts in all matters even within our own jurisdiction, but we ought at least to try to find out what persons, if any, are experts in the bibliography of local material. It would of course be most helpful if our *Journal* could be our general agent to collect this local information for the benefit of us all. One difficulty that must occur to us all in this connection arises out of the fact that the *Journal* is published only four times a year. With respect to certain classes of material, we are under the obligation to get the books falling within these classes upon our shelves as soon as possible after publication. They ought to be on our shelves immediately after publication. If we have to wait three or four months for information concerning them, much of the value of this service is lost. Would it be possible, within narrow limits, to issue advance leaves of the *Journal?*

Thoughts similar to the above occur to me with respect to court digests, local works on important subjects apt to have ramifications outside the local jurisdiction, such as corporations, the administration of estates, etc., but this letter is already far too long, and I must hurry to its conclusion.

The second class of material I referred to at the outset as being within the natural scope of the *Journal* is personal notes and information generally relating to law libraries and law librarians. This is so self-evident that extended comment is unnecessary. The *Journal* has already done a good deal along this line. The reports of our meetings, including committee reports, of course, fall within this category. The list of the law libraries in the United States and Canada, published in volume 5, pages 35-51, is a fine piece of work, very well worth doing. We certainly are very greatly indebted to the committee having this in charge, and perhaps particularly to Mr. Cheney, for this most useful list. I hope that it can be revised and brought down to date from time to time.

Those who have struggled and made many sacrifices to get out the *Journal* for the rest of us, will doubtless say, after hearing this rambling letter, "Yes, you have perhaps made a few good suggestions, but you have not helped us to solve the practical difficulties in the way of publishing the *Journal* at all. You have talked about what might be published in the *Journal,* but you have not offered sufficiently definite suggestions as to how the editor, poorly paid or not paid at all, can actually go about with any fair chance of permanent success to

get the material referred to. The scheme of coöperative editing on the part of the members generally will not succeed because of the necessary elements of indefiniteness, irresponsibility and lack of sufficient organization involved in it." And more to the same effect.

This criticism is just. I am hopeful, however, that this aspect of the problem, much, I admit, the harder of the two, can be worked out in your round table. I regret exceedingly that I cannot be with you to hear and perhaps to participate in the discussions along this line.

I also very greatly regret my inability to see my old friends again and to make the acquaintance of the fellow law librarians that I have not yet had the pleasure of meeting. I hope as many of the members as possible will plan to return home by way of Albany, so that I may have the opportunity of seeing them.

With best wishes for a most successful meeting, I remain,

Very truly yours,

FREDERICK D. COLSON.

THE PRESIDENT: The Executive Committee feel that this is a very important matter, and we shall probably take action while we are in Washington (at least I hope we can) looking toward arrangements which will develop the *Journal* along the lines of real information. Mr. Colson's suggestions cover practically the entire ground. I will ask Mr. Butler to make a short statement regarding the business management of the *Index*.

MR. BUTLER: This work, as you probably know, has been taken over by the H. W. Wilson Company of White Plains, New York. I worked with Mr. Schenk and various other members of the association to make a success of the *Index* and *Law Library Journal*. It was hard work, and we were handicapped by the fact that it had to be done by correspondence, and while we were reasonably successful, we were not as much so as we should have been. It was the feeling of the Executive Committee and of myself that the Wilson Company were better qualified to undertake the work than any member of the association. They have only recently taken it over, and we have not heard how they are making out, but I believe they need our hearty coöperation.

THE PRESIDENT: It has been customary in the past to appoint a Nominating Committee, and the motion will now be in order.

Motion made and seconded that a committee of three be appointed by the chair. Carried.

I have here a letter from Mr. L. Stanley Jast, secretary of the Library Association of the United Kingdom, inviting the members of our association to attend their annual meeting to be held at Oxford, August 31 to September 4, 1914. Miss Woodward acknowledged this invitation and invited representatives of that association to attend our meeting here. I am informed that Mr. Belden intends to be present at the meeting, and I suggest that he be given authority to represent this association.

Motion made, seconded and carried that Mr. Belden be given such authority.

What is your pleasure with regard to continuing the various committees?

MR. LIEN: I move that the committees be continued, with power to the president to make changes in the personnel of the same. Seconded and carried.

The President announced the Auditing Committee as follows: Mr. Feazel, Mr. Shaffer, and Miss Plunkett. (The report of the committee follows that of the treasurer.)

The following Nominating Committee was also announced: Mr. Godard, chairman; Mr. Small, and Miss McClatchey.

On motion, the meeting adjourned.

The round table held at the second session was arranged and conducted by Miss Claribel H. Smith, of the Hampden County Law Library, Springfield, Mass. The papers and discussions will appear in a future number of the *Journal*.

THIRD SESSION, MAY 26, 1914, AT 10:30 A.M.

The first address by Hon. William L. Wemple, assistant attorney-general of the United States, on the "Functions and Jurisdiction of the Court of Customs Appeals," appears in full in this number of the *Journal*.

The next address by Mr. Arthur F. Belitz, assistant revisor of statutes of Wisconsin, on "Some Auxiliaries of Statute Revision," was read by Mr. Redstone of the Social Law Library, and will appear in full in this *Journal*.

A paper by Mr. George F. Deiser, of the Hirst Free Law Library, Philadelphia, on "English Law Libraries," will appear in a future number of the *Journal*.

FOURTH SESSION, MAY 26, 1914, AT 3:30 P.M.

THE PRESIDENT: Mr. James L. Cowles, of the World Postal League, will make a few remarks on parcel post rates for books.

MR. COWLES: County newspapers are posted free within the limits of the county in which they are published.

Magazines and newspaper publishers enjoy a cent a pound rate on their merchandise (second-class mail matter) anywhere within our national territory.

School books are usually supplied to school children nowadays free and children living a distance from their schools are often given free transportation to and from the school and the home.

The public library stands quite on a par with these educational services. A free library post at least within the limits of the county in which a library is located would be quite as reasonable as the free service given to the publisher of the county newspaper.

Our public libraries are certainly entitled to quite as cheap a service as that enjoyed by the magazine publisher and news dealer. A cent a pound service in each direction between the library and the home—two cents for a pound the round trip—would be over 50 per cent. higher than the three-cent—four-pound similar service of Switzerland.

The librarians gathered here may well ask of this Congress the establishment

of a cent a pound library post. With any reasonable use of our modern transport machinery I am sure it could be made to pay its way, but if it failed to meet its cost in money the value of its service to the public would far more than compensate for possible postal deficit that might accrue from its use. I ask that a resolution be passed by the American Association of Law Libraries for a one cent a pound library post, as follows:

"WHEREAS, under the existing parcel post law, the postmaster-general, with the consent of the Interstate Commerce Commission may make almost any changes he may determine upon as to zones and rates, and

"WHEREAS, the public library is an educational service quite equal to that rendered by the publishers of magazines and newspapers who enjoy a cent a pound flat rate postal service throughout our entire territory, now therefore, be it

"*Resolved*, That Postmaster-General Burleson is hereby respectfully requested to establish a library post for the transport of books, magazines, etc., between the public libraries of the country and the residences, schools, etc., of those who may use them at rates of one cent on parcels up to a pound and on larger parcels one cent on each additional pound or fraction thereof. Be it further

"*Resolved*, That this resolution be presented to the General Library Association for its ratification."

THE PRESIDENT: I believe it would be advisable to refer this matter to the Executive Committee.

MR. SMALL: We are all interested in the postal service. I move that the matter be referred to the Executive Committee with power to act. Motion seconded and carried.

THE PRESIDENT: Mr. Godard will now present the report of the Nominating Committee.

MR. GODARD: The Nominating Committee felt the importance to the association of the officers to be elected at this time. They believed it their duty to secure the best advice possible, so we called together all the ex-presidents here present, and report the following nominations for the coming year:

President—E. J. LIEN, of the State Library of Minnesota.

First Vice-President—C. WILL SHAFFER, Supreme Court Library of the State of Washington.

Second Vice-President—MRS. M. B. COBB, State Library of Georgia.

Secretary—MISS G. E. WOODARD, Law Library, University of Michigan.

Treasurer—E. H. REDSTONE, Social Law Library, Boston, Mass.

Executive Committee—E. O. S. SCHOLEFIELD, British Columbia Provincial Library; FREDERICK W. SCHENK, Law Library, University of Chicago; O. J. FIELD, Department of Justice, Washington, D. C.

Motion made and seconded that the secretary cast one ballot for these officials. Carried.

THE PRESIDENT: The secretary has cast a ballot as directed, and the candidates as read are elected.

The first item on the program is an address by Dr. H. J. Harris, chief of the Division of Documents of the Library of Congress, on the *Monthly List of State Publications.*

DR. HARRIS: My predecessor in the Document Division, Dr. Thompson, the present law librarian, was the originator of the *Monthly List of State Publications.* It was begun in January, 1910, and has been in course of publication for approximately four years. The comment on this publication, so far as we have been able to get evidence of comment, has been rather favorable, but once in a while a review of the subject would be of great value. I would like to run over some very general features of the enterprise, and if there is time, to request suggestions and criticism. This bulletin, as you know, announces the receipt of the publications, at the Library of Congress, issued by the various states. These publications have been grouped, and the grouping adopted by Dr. Thompson has been continued from the beginning. We separate them into the legislative, the executive, the court publications, and the miscellaneous publications. Of these groups this association is most interested in the legislative, the court publications, and perhaps those of the executive department, viz., the attorney-general's office, which is included among the other executive departments. This material comes to us partly because of laws existing in the different states. A number of states from the beginning have had statutes providing that the Library of Congress shall be supplied with their session laws and other statutory publications. The procuring of our material is very largely dependent, however, on the coöperation of the various state officials. The return for the transmission of these publications to the library consists in the notification of the volumes in the *Monthly List,* and later on the issue of printed catalogue cards for the series. Your president, in writing me about this matter, asked me to dwell particularly on the method of securing the information regarding the date of publication of the legal documents, and for that reason the most useful thing I could do, I suppose, would be to call attention to the various means by which we secure our material. It happens in Washington that there are about eight government bureaus that publish state laws on various topics—mining, education, labor, food and drugs, etc. These eight bureaus are always on the watch for copies of session laws and other statutory publications, and in any case where the Library of Congress does not receive its copy, the steady stream of inquiries from these bureaus at once calls our attention to the fact that we are lacking in certain respects.

In the case of material which does not come in automatically, we have, of course, the assistance of the state librarians, who as a rule are very obliging in assisting us in this direction. In case a state librarian cannot help us, we follow the plan of inquiries and appeals to a senator or a representative from the state, and usually secure the matter after a little delay. We do the same with regard to the publication of court reports. We can tell roughly when a new volume is to appear, and if it does not come along in due course, we appeal to the same authorities who supply the statutory publications. I must say that a good deal

depends on the persistence of the division in calling attention to the failure of publications to arrive. It is simply astonishing what a little persistence will do in securing documents.

In addition to the listing of material, the *Monthly List of Publications* has in the past contained some short references, or a list of the more important laws in the volumes of session laws. I am sorry to say that the only comment we have received in regard to listing the laws, is the calling attention to an occasional shortcoming. We might list mining law in one state and it might be overlooked in another, so for the present we have discontinued the listing of these statutes. It is obvious that to scan the pages of a large volume of session laws takes a great deal of time. If some loss is felt by those using the list, the matter will be restored next year when a large number of state legislatures are in session. One of our difficulties, of course, is to get accuracy in the listing of legislative material, statutes, etc. A prominent statute book seller has occasionally called my attention to our lapses in pagination. We must ask your indulgence in this. Even with the greatest care lapses are likely to occur. I feel that the list is filling a large field of usefulness among the law librarians and the state librarians, but we would appreciate suggestions from the users of the bulletin, who would show their interest in the matter by calling attention to errors and suggesting modifications. This acceptance of mine was largely induced by the hope that you who use the periodical will find time to call our attention to methods by which we can render greater service.

MR. SHAFFER: I move that a vote of thanks be extended to the Library of Congress for this work. Seconded and carried.

MR. ADAMS: The Harvard Law Library finds this list of great use in checking the book dealers. It has happened more than once that I have first got notice of a volume of reports through the *Monthly List*. My continuing orders simply are not filled; the booksellers have not the books, and I can hardly emphasize too strongly the use the *Monthly List* is to me, and I think it must be to everyone who is trying to do the same sort of thing.

May I ask whether the question of foreign law documents has ever been taken up with a view to listing their receipt in the same way as state documents?

DR. HARRIS: Yes, but the resources of the library at the present time are inadequate to undertake such a list.

MR. GODARD: Is it simply a question of resources? Is there a desire on the part of those who have the list to include it?

DR. HARRIS: At the present time we have a check list of foreign documents, and that might include foreign laws. The listing of the series would lead to the inference at any rate that they were being kept up. At the present time it would be preferable to list foreign legal publications along with the others. As you will recall, the law publications do not form the major part of the state publications, and without including foreign documents of all kinds, I doubt if we could take up the foreign laws at present.

A paper on "The Genesis of an Act of Congress" was read by Mr. Henry

L. Bryan, the editor of the laws in the State Department. This will appear in full in the *Journal.*

Mr. Charles E. Babcock, of the Pan American Union, next addressed the association as follows:

Of course, you are all interested in the countries south of the Rio Grande from a legal point of view, but we must remember not to speak of them as a unit, or as Latin America. There are twenty-one separate and distinct countries, each with its own laws, its own social scheme and its own economic problems which develop laws peculiarly necessary to themselves. Take, for instance, Argentine, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Hayti, Honduras, Mexico, Nicaragua, Paraguay, Uruguay, Salvador, and Venezuela—these are not all Spanish, as you are probably aware. Brazil is Portuguese, and it is on the Portuguese law that their laws are founded, not on the Leyes de las Indias, which are the basis for the Spanish countries. Hayti's mother country was France, and I suppose if you went back far enough you would find a trace of some of the French Empire in Hayti.

The laws and administrative decrees will have to be taken from four sources, viz., the official newspaper, a very easy method of collecting, and one available for many years back. The daily newspaper does not give the discussions of Congress—only the acts of Congress, the laws as passed by the presidents and the decrees of the various departments. Official contracts, commissions for public work, legal advertisements, and sometimes patents and trade-marks are published in them. It will be many years before all of the copies which might be called floating copies are exhausted. The most useful source, perhaps, is the statutes—what would be our United States Statutes at Large. They are the annual sessions and contain the laws enacted in a year, like our statutes at large. Then there are the annual reports of the governmental departments. The minister of finance publishes annually the operations of his financial department, also the laws or decrees which may come within the scope of his office and which it may be necessary for him to enact, the tariff acts, etc. Practically all of the departments issue a bulletin of publications, sometimes called a revista, which also publishes month by month the various decrees pertaining to the particular departments. These four sources are really necessary if you wish to secure a full set of the laws. It does not always follow that the official newspaper will contain some particular act that you may require, though it is the easiest source of reference, the laws being chronologically arranged.

The dearest thing to the heart of most librarians is to get the books on their shelves. It does not matter much just how he gets them, just so long as he gets them, and to get these laws, the simplest and easiest way is the most direct method of buying them. That brings us to the question—from whom? It was my good fortune about a year ago to visit seven to ten countries, calling on booksellers, libraries and publishing houses in each. Some of the book stores in the city of Buenos Aires connected with publishing houses were fully equal to anything we have here in Washington or in New York. The library of Chile was of a nature to make one wish that he could spend a month just in that one library. Chile,

Bolivia, Peru and Ecuador contain very rich and valuable material, such as old Jesuit writings and manuscripts in the originals, very interesting to one making a specialty of this, but more interesting if one could secure it for his own library. If you desire to get into communication with any of these book dealers, I would be very glad to give you a list of the publishers, setting forth their names, addresses, whether or not they correspond in English, whether or not they publish catalogues, and whether they handle law books. There were several questions I asked each of them, and it is the answers to these questions that I have accumulated in my personal memoranda which will be at the disposal of any of you who may wish it.

Passing from the books and the libraries—it is difficult to appreciate fully the growth, industry and development of that wonderful country and its people. A traveler recently returning from South America made the statement in a magazine that he was astonished at the great development which he saw in Buenos Aires. He might just as well walk into Chicago and express surprise to see trolley lines. The growth of Buenos Aires is enormous. Of course, such a city is absolutely modern. There is nothing strange about the people, they use the same material for their houses, have about the same kind of wearing apparel, and their mode of amusement is much the same as ours. The only real difference is in the language. Until you get to the top of the Andes—9,000 feet—you are right in the height of the twentieth century. Then you get a touch of the Old World, which really makes the long trip down one coast and up the other worth while. It carries one back to the days when men were beasts of burden, bearing their goods from house to house, and makes the trip one which will remain in the memory for many years.

Returning to the laws, it should be borne in mind that the constitutions of South America are developed on the Constitution of the United States. In some countries, notably Mexico and Brazil, our Constitution is followed very closely; in others they have made variations to suit their particular needs. After the constitutions we get the codes. There is a penal code, a commercial code, a civil code, a penal procedure, and a civil procedure—one code for each. We then get the laws as published in the statutes, and with the three collections, the constitutions, the codes and the annual laws, we have just about all, except the administrative decrees, that are published. The American Society of International Law has made a slight effort to follow in their *Journal* the laws as published, giving very briefly the date of the law, its title, and a three-line note of its contents. The American Bar Association in its annual report also gives some such list. These two lists are the only ones I can think of which might help you keep track from month to month. The official newspapers can usually be had from the minister of foreign relations, and they are always glad to give them in exchange for some United States documents.

The last paper was on "Bill Drafting," by Mr. Middleton Beaman, in charge of the legislative drafting research at Columbia University. It will appear in the *Law Library Journal*.

THE PRESIDENT: Are there any matters to be considered before the association adjourns?

MR. HEWITT: In our association, and I understand in many others, there is difficulty in getting the reports of the State Bar Association proceedings. When I presented the matter to our library board they instructed me to offer a resolution at this convention that we urge upon the different state bar associations the importance of placing as complete sets as possible of their proceedings in the large centers throughout the United States. Of course, we cannot dictate as to how they shall make their selection, but the selection should be made; and our board had in mind that a similar suggestion should be submitted to the American Bar Association in October at their meeting in Washington, feeling that they might make inquiries of the various associations. I move that a committee be appointed to draft such memorial, and that a copy be sent to the American Bar Association, and also to the secretaries at large; that the president shall be chairman of that committee, and that as it cannot report to this association, it have power to act.

DR. OWEN: We are arranging to have the secretary of the Alabama State Bar Association, while he is printing his regular edition, print 100 additional copies of the reports. We can't get him to consent to print a sufficient number to be sent to institutions desiring to preserve the Alabama Bar Association reports, so there are bound to be gaps in your collections, which we are trying to meet by paying a nominal sum for 100 copies which we will send to exchanges and to those particularly desiring them. You will find it almost impossible to handle your secretaries unless you plan it on a business basis such as suggested for Alabama.

MR. SHAFFER: I think the State of Washington has the solution of the problem. The librarian has been the secretary of the State Bar Association for some time and he has charge of the distribution of the reports. I think we should work the state librarians in as secretaries to attend to the distribution of the reports of the bar associations. We have had our reports for years stacked away in boxes, and just recently have gotten them out. We have had many inquiries for our reports, and I think they are being attended to now. I recommended to our bar association that a charge be made, at least for the back volumes, but the resolution as it was passed did not say anything about back volumes. We are charging $1 a volume. Massachusetts is paying 50 cents for back volumes, because their inquiry was in before a rate was established. In another state, because of a disastrous fire, we are sending them gratis. It strikes me that this system would be a good one, as most of the state law librarians are members of this association.

MR. HEWITT: We are perfectly willing to pay. We want the reports, but we want to be sure that we get them. Most of the secretaries have a claim upon our gratitude. They have been very good. The secretary of the Alabama State Bar Association has been particularly good. We have every report for Alabama with the exception of one, which he could not furnish. The state capital idea is a good one, but it will not fill all the needs. Take our own state. Philadelphia wants those proceedings at the law association and at the university, whereas under the designation of the state capitals, they would go to Harrisburg. Therefore I urge this resolution. If a price should be paid, let those getting them pay

the price, but there is this to say: those reports are made use of not simply for local purposes. A lawyer in one city or in another—at Philadelphia, Washington, or elsewhere—would go to the reports of the American Bar Association, etc., for committee purposes, or in the preparation of an address, or for some other purpose; so that in serving these libraries, these different state bar associations are serving themselves. Nevertheless, if a price must be paid, I suppose most law librarians would be glad to pay it. As to the smaller libraries, it might be beyond their ability. I should not like to urge the price too much. I should like a memorial framed and acted upon.

MR. SHAFFER: We furnish our reports to any library, provided they will furnish us with the reports of the bar association of their state. We will furnish them to any other library, with this charge. The desire was to charge nothing, but one year will have to be reprinted, and our purpose in charging is to get sufficient funds for the reprinting of the scarce ones. I am willing for the resolution to go through.

Mr. Hewitt's motion seconded and carried.

THE PRESIDENT: There has been presented a letter from Mr. William M. Watson, of Seattle, asking for suggestions regarding the laying out of the new courthouse library in his city.

Motion made, seconded and carried that a committee of three be appointed to consider the letter from Mr. Watson and to communicate with him.

THE PRESIDENT: I appoint Mr. Hewitt, chairman; Mr. Feazel, and Mr. Shaffer.

MR. GODARD: May I bring up at this time the proposition regarding the legislative information service? What has been done with reference to the committee to be appointed to investigate the offer?

MR. SMALL: Mr. Godard should be on that committee.

THE PRESIDENT: I would appoint Mr. Godard and Mr. Small as two members of that committee.

MR. LIEN: I desire to express my appreciation of the honor done me in appointing me president of the association. I feel that I have not the knowledge of the matters pertaining to the association that is requisite for a president. However, with the coöperation of the Executive Committee, I shall do my best, and I ask the help of all.

In conclusion Mr. S. J. Small offered the following resolution:

WHEREAS, The session of the American Association of Law Libraries, held in the city of Washington, has proven to be one of the most successful in the history of the Association; and

WHEREAS, The success attained has been largely accomplished through the untiring efforts of our executive officers, committees, and others who contributed to the program. Be it

Resolved, That a vote of thanks be extended to each of the above named officers, to each of the officers of the association, the committees having the arrangements in charge, and to those who appeared on the program and added materially to the great good accomplished during the conference.

This being duly seconded and carried, the meeting adjourned *sine die.*

THE FUNCTIONS AND JURISDICTION OF THE UNITED STATES COURT OF CUSTOMS APPEALS

By Hon. William L. Wemple, *Assistant Attorney-General of the United States* *

Everyone pays taxes; and with few exceptions, everyone pays both direct and indirect taxes. Nearly everyone feels that his taxes are an imposition, not only in the legal sense, but in the colloquial also. Nevertheless I venture to remark that there is greater ignorance of how taxes are imposed, and what remedies are afforded against unlawful impositions, than on any other matter with which men come into daily contact. And if this be true of ordinary direct taxes, it is in much greater degree true of customs, which are, except for the importer, only a remote and indirect assessment.

The Court of Customs Appeals was created in 1909 by the Payne-Aldrich law, as the culmination of what may not inaccurately be called a contest between the treasury which collects duties, on the one hand, and a great variety of persons and interests whose concern is to secure refunds of collections made, on the other hand.

The history of that contest possesses the greatest interest for all students of legislation and administration.

The collection act of 1789 was the law under which the United States of America first collected customs duties. Like most of the legislation of that time, it was a statute remarkable at once for its generality and its precision. Its essential provisions have been continued in various revisions and reënactments, and carried into the law as it exists today.

It made no provision, however, whereby importers could test in a suit against the government the legality of assessment made, and without statutory provision, no such suit was maintainable, since the sovereign cannot be sued except by its consent. Accordingly, importers who thought the law did not authorize duties exacted by collectors, brought suit against the collectors as individuals, on the theory that a collector who enforced an erroneous or inexact or questionable construction of law was not acting under that law, but purely as an individual and as a trespasser. This legal theory was upheld by the courts by analogy to the wrongful distraint which had become so familiar in English law.

Whatever may be said now of the strain which this analogy placed upon the law of wrongful distraint, the practice was at the time scarcely questioned, and became universal almost immediately. Probably it was not questioned because no one then realized the possibilities of it. Suffice it to say that in no other duty collecting country has it any parallel.

Not only did courts entertain these suits against collectors upon the fallacious theory that they were not collectors; but they simultaneously recognized their own fallacy by removing such suits from the state courts, which alone had jurisdiction under the theory of the action, to the federal courts, on the ground that they were suits against federal officers. A little careful reflection would have shown that the suits if removable were not maintainable, or else if maintainable were not removable.

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* Read at the ninth annual meeting of the American Association of Law Libraries, held in Washington, May 25-26, 1914.

Logic, however, did not rule the day; but as has often happened, the courts allowed a remedy notwithstanding the hard logic of the law, because a claimant appeared who strenuously asserted his need of a remedy.

The suits were common law suits in assumpsit, were tried before a jury, and ended in money judgments against the defendant collectors; and were paid as matter of fact by the Treasury, although in theory the collectors withheld from the government, out of their collections enough to meet probable judgments. And in one case at least this theoretical right of collectors to hold out moneys, was made the means of a gigantic embezzlement.

Swartwort, the collector at New York, and at one time, I believe, leader of Tammany Hall, in 1837, held out more than a million dollars which he did *not* use settling judgments against him.

As a result, Congress, in 1839, put an end to the practice by requiring collectors to deposit in the Treasury their collections as fast as made. This apparently innocent piece of legislation was held to relieve collectors as individuals of all liability at the suit of importers. Obviously, however, this slight change in the relationship between the collector and his principal (the government) did not make him on any sound theory any more an agent so far as importers were concerned than he was before. If, as the cases before 1839 held, the collector was a principal and liable personally to the suit of an aggrieved importer, the mere fact that his principal deprived him of the right to hold out moneys, was powerless to work any revolution in the situation.

And no revolution was wrought; what really happened was that the law of 1839 showed up the really unsound reasoning upon which the previous decisions had rested.

Thus originated a statutory remedy whereby aggrieved importers were allowed to contest before a court and jury the right of the executive to enforce a revenue law. Under this statutory system judgments were entered against collectors as officials, and those judgments were paid by special appropriations, until at length Congress made a permanent indefinite appropriation for the purpose.

As an illustration of the stubborn inability of government counsel (not to say judges) to comprehend the legal principles underlying this system of remedies, importers in their statutory suits against collectors as agents of the government universally recovered interest and costs. This was clearly unauthorized since the collector could never be made liable, but only the United States.

With the Civil War and the strain upon the revenues which it entailed, customs duties assumed an undreamed of importance and attorneys and agents who happened to be familiar with the procedure in suits to recover duties saw therein a vast field of activity and profit ready for the plow.

Every executive interpretation of the law which offered the slightest foothold was eagerly sought out and challenged before the judicial department of the government. Not one suit in a thousand was maintained by an importer who was actually hurt by the duty assessed. Such a complainant would naturally want the earliest possible decision of his case, in order that he might get the benefit of a favorable ruling for future importations. But for fifty years the practice has been exactly the contrary. Suits have always been strung out as long as possible in

order that duties paid on shipments meanwhile might accumulate enormously and refunds be correspondingly great.

Clearly this condition could exist only in case the importers were indifferent whether they paid one rate of duty or another; and of course that was the fact. So long as the importer is able to sell his imports at a price which will pay the duty, he cares not what the duty is; and if he receives any part of that duty back at the end of a few years, it is to him like finding so much money. This explains why attorneys secured most of this litigation on a fifty-fifty basis.

The law's delay, then, was of tremendous disadvantage to the government, and various plans were devised for its correction. The Board of General Appraisers was created by the act of 1890; but appeals from its decisions were all taken successively to the Circuit Court, Circuit Courts of Appeals, and Supreme Court. Worst of all, the appeal to the Circuit Court was in effect a new trial, so that on the whole the improvement was scarcely noticeable. Under this elaborate system of new trials and appeals litigated questions frequently attained the mature age of eight, ten, and even fifteen years, and only reached final decision years after the statute giving rise to them had been superseded and repealed.

In two respects the Court of Customs Appeals legislation is a great advance over the remedies given by the customs administrative act of 1890.

First, it erects a purely appellate tribunal. There is no power in the court to hold a trial, or to take fresh proofs. This was affirmed by the court early in its existence; although it was at the same time held that it could order a new trial. This line of decisions is obviously sound and wise. For while the board, whose decisions are solely and exclusively reviewable in the Court of Customs Appeals, decides all questions as to rate and amount of duty, still all "appealable" questions decided by the board are reviewable in the court. Accordingly, not only decisions finally establishing rate and amount of duty come before the court, but also decisions final in character, but turning upon the admissibility of evidence, burden of proof, jurisdiction, and like matters, which arise in the course of a trial.

For example, this case was lately tried: An importer was indicted in the Circuit Court for fraudulent entry of goods. He was tried on several counts relating to various shipments. The jury acquitted him. The collector being advised, however, that the government had actually lost duties on the goods, reliquidated the entries; that is, officially recalculated and assessed duties; and the importer was notified that he was indebted to the government in certain additional sums. These he paid under protest, as the law prescribes; and the matter came before the board for decision.

Under the law the collector's liquidation becomes final one year after entry, with two exceptions, one being the existence of fraud.

At the trial the importer urged that he must be presumed free from fraud; and that until proof of the fraud had been made by the government, the collector's action in reliquidating must fall. The board took this view and ruled that while in every other case before the board the burden of making good his objections to the collector's action was upon the importer, yet in this case where fraud entered as a sort of statute of limitation, that rule did not obtain.

We appealed to the Court of Customs Appeals and there the board was

reversed; the court holding that only *decisions* of the collector could be taken up on protest; that the collector's *decision* that fraud existed, and his reliquidation following that decision, threw the burden of proof along every line upon the importer. But since the case before the court had nothing in it upon the merits, but merely a decision based upon a ruling as to burden of proof, a new trial was ordered. In general, however, the court is slow and very cautious about granting new trials. Otherwise, the new trial might very easily become an instrument whereby even greater delay might be secured than under the system which the customs court replaced.

II.

Such in general are the functions of the court. Its jurisdiction is a subject of no less interest, and will be best shown by considering shortly the course which importers' complaints concerning duties take.

Most duties are assessed upon the value of the merchandise; and that value upon which the statutory rate is to be applied is the subject of official determination by appraisers, just as the rate to be applied is the subject of official determination by collectors. The two functions, however, are performed in the first instance by distinct administrative departments. The appraising function must be completed before the determination of rate or the classifying function may be commenced.

Accordingly, when goods arrive, the statute enjoins the collector to "cause them to be appraised." And by law three sets of appraising officers are provided: the local appraiser, a single general appraiser, and a board of general appraisers. It has been universally held that the appraising function is the same, whether performed by one or another of the officers having authority in that behalf. Each appraisal, whether by appraiser, general appraiser or board, is a proceeding complete in itself; there is no such thing as a review by a higher appraising officer of what was done by either of the others. But if either the importer or collector is not satisfied with the local appraiser's estimate of value, notice is given to the collector of that dissatisfaction, and the collector then causes the general appraiser to act. If dissatisfaction with his value is notified, the collector causes the board to appraise the goods. The only connection between the appraisal by local appraiser, the general appraiser and the board is that in order to have a general appraiser estimate the value, it is a condition precedent that there shall have been an appraisal, and in order that the board shall appraise, there must have been an appraisal by a general appraiser.

Whether these conditions precedent exist is usually a matter of law; and all matters of law are for the collector in the first instance to decide. Appraisers of all grades answer only questions of fact—indeed a single question of fact: what was the market value of the goods? Therefore it is plain that if any appraiser in assuming to act, does not answer that question, or if he answers some other question, he has not appraised the goods, and in strict theory of law, no further appraisements can be had.

These matters have long been greatly misapprehended by those who seek to

have the general appraiser and the board appraise merchandise; and in consequence the general appraiser and the board have been led into error when acting as appraisers. They have taken up and decided such questions as dutiability of commissions, jurisdiction of appraisers, manner of expressing dissatisfaction with appraisements, and whether such dissatisfaction was notified in time. These are all matters quite apart from the appraisal of goods, and matters which the law commits to other tribunals. A good deal of litigation is now pending having for its object the correction of these practices.

Under the law it is the collector who must decide all questions upon which correct assessment of duties depend. What is the appraised value, is one of these questions. It is the question which he meets at the outset, next after deciding that the goods are imported. The latter fact, by the way, is a thing that sounds very simple, but when the United States acquired the Philippine Islands and Porto Rico, it proved a weighty and troublesome question.

In deciding what is the appraised value, the collector of necessity has to select a figure which has been reported to him by an appraising officer. His selection of that figure involves a decision that it was found upon a regular and lawful appraisement proceeding.

If it was so found, it is final and conclusive upon all parties; but if it was not so found, the collector must proceed accordingly. For example, very lately imported cattle were appraised. The importer notified the collector of dissatisfaction and the collector caused the single general appraiser to appraise the value. The single general appraiser, however, acted without having seen the cattle, which by law he was powerless to do. The net result was that the collector, when he came to assess duties, had two findings of value before him: one made according to law by the appraiser, and the other made not according to the law by a general appraiser. Upon my advice the collector decided that the general appraiser's estimate was not a lawful appraisal; and he assessed duty upon the local appraiser's value. The importer protested against being compelled to pay duty upon this assessment, claiming that the general appraiser's action in fixing value was conclusive upon the collector of all questions of legality, jurisdiction, and the like. The board, sitting as a classification or judicial tribunal, upheld the importer's contention, but upon appeal the Court of Customs Appeals reversed the board and held that the collector's action was lawful and correct.

It follows that the board exercises two entirely distinct functions. As appraising officers, its members perform the same functions as appraisers, and must give the answer, as finding of fact, to the question what is the value. This they must do by all reasonable ways and means, using their own knowledge, seeking information from all helpful sources, and arriving at the fact as well as possible. This function is wholly administrative and in no degree judicial, although they may exercise judicial powers in securing any necessary information. From the finding made in the lawful exercise of this function there is no appeal, and no new trial.

The other function which general appraisers exercise is as exclusively judicial as the appraising function is administrative. It is the function of hearing cases when the importer has challenged the decision of the collector. It embraces the

interpretation of the customs revenue law from beginning to end, and of all laws governing the administration thereof. Whether the goods were in fact imported; whether the collector adopted the lawfully appraised value; whether given charges paid apart from the goods themselves were dutiable; and whether the collector classified the goods under that paragraph of the law in which they were as matter of law described.

Clearly at this point, and in this manner, the board tries in the first instance every question of law, and in addition thereto every question of fact, except market value, which can rise in the collection of duties upon imported merchandise. And from its decisions, appeal lies to the Court of Customs Appeals.

The court is expressly given jurisdiction to review by appeal final decisions of the board in all cases as to the construction of the law and the facts, and all appealable questions as to the jurisdiction of the board. Evidently under this grant of power the court might review the board upon its findings of fact as well as upon its conclusions of law. And upon occasion, the court has done so; but it is the expressed policy of the court, in all ordinary cases, to defer very far to the board's findings of fact, on the sound principle that the board, which saw and heard the witnesses, had a much better opportunity to judge of the truth of the matter than the court upon a printed record of what the witnesses said.

A decision upon no evidence, or against the great weight of evidence, is held, however, to present a question of law only, as in most appellate tribunals.

The law creating the court was intended to make its decisions final in every particular; it was intended to deprive the Supreme Court of power to review its decisions by *certiorari*. Whether that was done, can only be decided by the Supreme Court itself; and singularly enough, in no case where, under the rules of the Supreme Court, the writ would be proper, has it been applied for. In some cases importers have applied for the writ, but they could not show in any one of them that any graye principle was involved, or that the dispute was of far-reaching legal consequence. Such applications would have been denied, even if the power of the Supreme Court had been conceded.

The government had one or two cases in which the point would of necessity have been decided, but no application was made, owing to the fact that the government opposed the first application made by importers on the ground that the statute had deprived the court of the power to grant the writ; and so foreclosed itself from afterward on the other side of the question taking a contrary view.

My own opinion is that the character of the question decided is what determines the right of the Supreme Court to issue the writ, and not the jurisdiction of the court making the decision; and that therefore the Supreme Court will yet, upon due application in an appropriate case, grant the writ, and avoid the occasion of asking Congress to pass legislation to allow the writ in certain cases, as has been suggested.

In conclusion, I wish to express my judgment that an extended and intimate observation of the court has demonstrated that it is a tribunal of vast usefulness, which by reducing the customs administrative law to a logical and consistent whole, no less than by furnishing speedy decision of controverted points, has abundantly justified its creation, and proved a great public benefit.

SOME AUXILIARIES OF STATUTE REVISION

By ARTHUR F. BELITZ, *Assistant Revisor of Statutes, Wisconsin* *

I. THE GENERAL BEARING OF STATUTE REVISION

A prosperous state requires, for its stability, the indispensable supports of law and order. These are but frail supports if they be not firmly bedded in the people of the nation.

The noblest edicts of the emperors, in paradox, were those establishing the common law of Rome. When the Imperium, chastised and chastened, retired to its last retreat upon the Bosphorus, Justinian, driven to a tardy perception of the futility of government by royal mandate, turned at length to Gaius and his disciples charging them to formulate the customs of the Romans. In answer to the country's call, those jurists kindled a glorious recessional, which still illumines their posterity; but they came too late, to stay the doom of the shattered wreck of empire.

That splendid ruin of history inspired to better effort the magistrates and parliaments of Louis XVI. These, in opposition to the king, endeavored to profit by the example of the past; but, although zealously professing to represent the nation of the French, they were not of the Third Estate—and so the pomp and the magnificent culture of the Bourbons were, in turn, submerged in the bloody chaos of the Revolution.

No such dire calamities threaten the American institutions. Democracy has this crude virtue over other forms of government: it stimulates a natural growth. It obeys the law of evolution, developing new organisms as demanded by its environment and casting off those members that have atrophied from disuse. Our law flows spontaneously from the social needs of the state and national community. But, like all natural growths, it requires nurture and cultivation in order best to insure domestic tranquility, establish justice, promote the general welfare and secure the blessings of liberty to ourselves and our posterity. And so the social trust of the legal profession, imposed as the condition of its necessity to the state, is not discharged by merely following where the people lead. Beside its primary duty to the individual client, of interpreting the effect of law, stands its public function to formulate and harmonize, to clarify and guide the expression of the popular will, which is the *vox Dei* and source of law. The performance of that function has won encomiums for the American lawyer of the past, in the building of the unwritten law; the lawyer of the future must seek his laurels in the field of written law. In its essence the same task confronts him, but more exacting because he is without the aid of precedents—because he will find it incumbent to build up from the very foundations of human rights, largely contra precedent.

Ideals such as these justify the growing interest in the work of statute drafting and statute revision; they are pleasant to contemplate as a relief from the drudgery and tedious routine of the practical duties involved in revising statutes. But the daily grind of the latter affords but little opportunity for idealism. In the prosecution of our work, from obvious necessities, we are hard-shell Baptists. The *ipse dixit* of the legislature is our creed; and our particular function in the

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ritual is to record faithfully and present the *lex scripta* as she is writ. Beyond that we are planned simply to bring home to the legislative mind, by reflex action, such incongruities as have been sensed by contact of the written law with the facts and conditions upon which it operates. The legislature itself then applies the correctives, or not, graded by the intensity of the nervous shock. That is the extent of our practical devotion; and even were we so inclined, the complete obsession of our energies and time by these routine ceremonies effectually prevents any lapses from the faith. As the work proceeds, however, its unusual nature develops features that may have utility and application in kindred undertakings; and some of these are briefly outlined in the following summary.

II. CLIPPING AND PASTING STATUTORY MATERIAL

One who enters upon the task of statute revision in these later days must very soon be impressed—indeed, oppressed—with the fact of the multitudinous amount of material to be handled. That fact compels the recognition of the second imperative fact that no headway in the work is possible without some organic plan of operations. The first duty prescribed in the act creating our office was to prepare a loose leaf ledger of statutes. After mature consideration, we adopted the expedient of clipping and pasting our material for this ledger rather than copying the same with typewriters, for the following reasons: First, it was cheaper, because it could be done with cheaper help; second, it was cheaper because it could be done in less time; third, it avoided the necessity of comparing the copy with the original; fourth, it avoided, absolutely, the possibility of introducing errors into the text; and, fifth, it gave us an exact copy, punctuation and all, of existing statutes.

For our original plant, we were required to cut, paste and arrange numerically approximately 83,000 clippings. By a systematic division of labor the work was done in about one-fourth of the time ordinarily required by the individual "scissors and paste-pot" method. The only quarters available for our use was an L-shaped room measuring 24 feet on the long and 20 feet on the short leg, with a breadth of about 14 feet; thus we were pressed to the intensive utilization of every square foot of floor space and every square inch of desk room.

(1) Preliminary to the actual pasting, in order to avoid choking the plant with waste paper, it was essential to get rid, in advance, of as much of the trimmings as possible. Accordingly, sixty volumes of statutes and session laws were carted to the book-binder, and their backs cut off with his cutting machine. They were then brought back to the office, assorted for one side only, and from each page the margins trimmed off by hand. This left nothing but the printed page.

(2) Twelve desks and appliances were then arranged. The desks were ordinary school desks, about 2½ feet square. In lieu of needed additional desk room, our carpenter nailed up four copy-holders, each of them extending across three of the desks. This gave us just enough space, and none to spare. A pasting board of hardwood, about 12x15 inches, is used. Soft wood will not do, and glass or marble plates are still worse, as they allow the paste to get dry. Before beginning operations, this board must be thoroughly wet, allowing the moisture to soak in and fill the pores of the wood; the surplus moisture is then removed by blotting the board, preferably with old newspaper; it is then ready for use; the continuous application of paste will keep it moist all day, and the

moisture in the board will prevent the paste and clippings from drying on to the board. Ordinary book-binder's paste is used, to which we added a few drops of oil of cloves, in order to prevent or at least to disguise souring. An ample coating of paste is applied to the surface of the board with a suitable brush; the clippings are then laid face up, until the whole board is filled. Thereupon a sheet of old newspaper is laid over the whole and is firmly and smoothly pressed down; this will press out all surplus paste from under the clippings, and the newspaper will soak up all the paste from the spaces between the clippings. Now remove the newspaper and throw it away; with a knife, or other suitable instrument, the clippings may then be lifted from the board, one by one as needed, and placed on the loose leaves—each one will have on its under surface a uniform and ample coating of paste to make it stick firmly and permanently. At the close of the day, or whenever the work is suspended for a considerable time, all remaining paste should be cleaned from the board; when the work is going on, however, it needs no such attention. We used a substantial bond paper for our loose leaves; and by the process described above the tendency of the paper to curl was reduced to a minimum.

(3) As we were required to prepare sets in duplicate for the state library, and also needed an additional set for our own use, the operatives were divided into four groups, each group working in triplicate. To the first group was assigned Vol. I of the statutes of 1898; the second group took Vol. II of the statutes; the third took the session laws, 1899 to 1905 inclusive; and the fourth group, Sanborn's Supplement of 1906 and the session laws of 1907 and 1909. A key volume, which has been marked with notations indicating the matter to be clipped, is the guide for the first operative. Her loose leaves, when done, are stacked up on the copy-holder to the left, and are weighted down with an old book cover to prevent them from curling. This stack is then passed on to the left, as needed, to serve as a guide to the next operative. In the same way the work passes on to the third operative, and is stacked up flat on a table to dry for 24 hours; after which the sheets are stored away in vertical filing cases, to be supplied later with proper notations, sorted, and inserted in the ledger covers. Care should be taken to provide plenty of ventilation in the storage files, as the sheets are apt to mold unless the moisture be allowed freely to escape; for the same reason the sheets should be stored rather loosely.

III. LOOSE LEAF COLLECTION OF STATUTES

As already intimated, the material prepared according to the method of pasting outlined above was to constitute a loose leaf ledger of statutes. But little need here be added by way of describing the latter. When this office began its work the application of the loose leaf and card systems in the *publication* of statutes was largely theoretical; even as a *record* it had been employed only to a very limited extent. In our organic act (Laws 1909 c.546; Stats. 1911 s.116, 117), the revisor was directed:

"(a) To keep and maintain at all times in the state library, in duplicate, a loose leaf set of statutes, including all sections in force, arranged numerically, and in connection with each section, sub-section, or paragraph of a sub-section, to

designate the titles and sub-titles under which the same is indexed, and to keep an alphabetical card index of all such titles and sub-titles referring to such section, sub-section, or paragraph.

(b) To keep and maintain in the state law library, in duplicate, a loose leaf ledger of notes of court decisions and other matter referring to any section, sub-section or paragraph of the statutes, arranged numerically.

(c) To prepare, keep, and maintain in the state law library, in loose leaf form, in duplicate, arranged numerically, all sections of the statutes heretofore in force which have been repealed, amended, or superseded by subsequent enactments, with notes of court decisions and other matter relating to each section, sub-section, or paragraph, and references to numbering in previous revisions, compilations, or printed volumes, and to keep card indexes thereof."

It should be noted that the above provisions did not prescribe the loose leaf system *as a method of publication,* but merely required the maintenance of duplicate sets in the state law library, as a *prima facie* record.

To meet that requirement, it was essential to provide a mechanical plan that could best be adapted to library uses. An exhaustive canvass of the market proved that no suitable binder or cover for our purposes was carried in stock by any of the so-called loose leaf houses. The ledger systems made for banking and commercial accounts were too bulky and too expensive; and the ordinary post binders too clumsy and cumbersome for ready use. On the other hand, a card system, while affording the best facility, was deemed unreliable in a public library, because of the danger of misplacing or entirely removing and losing individual cards. A number of intermediate devices were considered, and discarded, on account of defective construction, deficient size, shape or design, flimsy quality, etc.—they would not "stack up" for library use. It was desired, if possible, to furnish both the stability and the convenience of a bound volume; and eventually, with the stimulus afforded by the courteous and intense competition of prominent manufacturers of loose leaf materials, a binder was designed to meet these calls, which can be stacked on the library shelf like an ordinary book, and which has proven very satisfactory in use. It measures 9x11¾ inches, with a minimum thickness of 2¼ inches in the back and an extreme extension to four inches. Each cover will hold from two hundred to four hundred sheets, and when filled and pressed, remains entirely flat, the added thickness of the pasted slips being offset by two fillers, one on each side of the back and each having a thickness of ¼ inch.

Into these covers the loose leaves were filed, after being properly marked and assorted, and the work resulted in the following:

	Volumes.
A ledger of statutes in force, including a ledger of notes of court decisions, consisting of	42
A ledger of statutes amended or repealed, with notes of court decisions, consisting of	9
A duplicate ledger of statutes and notes, containing both of the above not separated, consisting of	52
A triplicate ledger for the use of the revisor's office, including the foregoing and also Sanborn's Supplement consisting of	70
Total	173

The ledgers thus prepared remained on our shelves for over a year; but, although the public was expressly notified that they were available for use, there was not a single call for or consultation of them. Of course, they are used daily in our office; in fact, all of our work was based upon the consolidation and compilation of the statutes as contained in them, and the new "Wisconsin Statutes" are substantially a reprint of the Ledger of Statutes in Force. But as a practical public convenience the ledgers have been a disappointment. True, visitors have been here to see the set, and have gone away recognizing and impressed with the theoretical value of such a collection; but in almost every case the conclusion was expressed that in order to make that value effectively available to the public, some means must be found to publish and distribute the work to the user.

The possibility of printing each section and sub-section of the statutes on loose leaves, in large editions, and distributing the same to subscribers, was suggested and considered. The plan did not appeal to us as at all feasible. In the first place, it would subject the user to the very large expense of supplying himself with a set of ledger covers sufficient to hold at least 15,000 sheets. Secondly, the printing of each sub-section on a separate sheet of good standing quality would immeasurably enhance the cost of printing the statutes. Thirdly, it would devolve upon the user (i. e., the user's office boy) the task of correctly placing the loose leaves in the ledgers—a most unreliable process. Fourthly, it was exceedingly doubtful whether a ledger could be designed small enough for effective and handy desk use. So, all in all, the proposition was not seriously entertained.

The loose leaf ledger system is adaptable and useful, chiefly as a record or account of daily or at least frequent accretions or accessions. We have found it useful also for the purpose of collecting material, for example, for a revision of the statutes. But, in my opinion, as a permanent scheme of publishing occasional periodical additions to the statutes it would be misapplied, and its cost prohibitive. Assuming that we had a system of published "loose leaf" statutes, this would require the printing every two years of about 2,000 sheets in editions of 6,000. We have not estimated the exact cost of such work; but I will venture to say they could not be produced, on paper of sufficiently good quality for ledger use, for less than $5.00 per set. As against that, we can reprint and bind the statutes as a whole brought down to date in an edition of 6,000 at a cost of less than $2.50 per volume (printer's cost). The "idea" of the system may be truly useful, and we have used it virtually in developing our plan of publication; but it must be worked out and applied *in the printing office,* rather than in the user's office, in order to afford the greatest measure of economic advantage. This we have done, as will appear below.

IV. PUBLICATION OF STATUTES.

This head is best treated by submitting, first, a summary of the plan of publication as originally submitted in the Revisor's Report to the legislature of 1911, which was eventually enacted into law, viz.:

"I. It is proposed to issue as soon as may be after the adjournment of each biennial session of the legislature, in a single volume of convenient size and

weight for daily use, all the general statutes of the state then in force, together with a table of all the live statutes that are special, private or local, and a complete alphabetical index.

This biennial volume will also contain:

Such revisions as may be prepared and reënacted from time to time, incorporated at their proper places according to the present order of the chapters; also

The 'historical notes' of each section, showing its origin and growth; but no annotations of judicial interpretations, except perhaps

Cumulative sheets, bound as an insert, giving annotations to date of court decisions which have been handed down since the issue of the periodical volume next described:

II. It is proposed to issue, at such periods as convenience may require and permit, a volume containing the constitutions and their annotations, the Magna Charta, the Declaration of Independence, the Ordinance of 1787, the Enabling Act, and other unchanging statutes or documents usefully appearing in a set of revised statutes. In addition, this volume will contain all the notes of court decisions from the beginning down to the date of publication."

This was accompanied by the following category of the reasons supporting it:

"The plan will obviate the necessity of distributing session laws as at present;

Will obviate the necessity of printing more than a very small edition of session laws to meet the requirements of exchange and to supply the few who may desire them;

Will dispense with *periodic* and substitute *continuous* revision of the statutes;

Will substitute a *single volume* in place of the series of statutes, supplements and session laws which now clogs and incumbers both practice and administration, carrying to the public within a reasonable time after the latest enactments, all *the general laws* in force and *all revisions accepted by the legislature;*

Will secure entire freedom and facility to begin the work of revision on such chapters, wherever located, as are in most pressing need of revision;

Will enable the bench and bar to secure, at intervals of only two years, all of the annotations of court decisions down to date and by a reissue of the *periodical* volume once in ten, fifteen or twenty years, as may be deemed desirable, to obtain a collection in a single volume of the entire body of judicial interpretations down to date;

Will permit the correction in each biennial volume of all errors discovered in any of its predecessors, thus supplying a process of growth by which every statute can work itself clear of defects and imperfections;

Will cost the state less, if the cost of the revisor's office be excluded, than it has hitherto cost to supply revised statutes, supplements and session laws, and will cost members of the bar less than they have hitherto paid for annotated statutes, supplements and session laws;

Will enable the *periodical* volume to expand as annotations accumulate, and the *biennial* volume to reduce its bulk through many years, as revision is likely to withdraw more matter than new legislation will add to it;

Will preserve the legislative *status quo,* retaining all that is now meritorious

and familiar while making it more acceptable, until the legislature shall deliberately decide from time to time that separate and independent parts may be bettered by revision;

And, finally, will substitute growth for sudden and massive metamorphosis."

Our original plan was to print the statutes from stereotype plates, preserving the plates after printing, making them over by the subtraction of obsolete matter and the addition of new matter after every session of the legislature, and thus using them for successive editions of the statutes, over and over again. This looked fine on paper, but our theory was spoiled by the practical printer, who suggested that the plates would soon wear out, even though they might be used for a great number of impressions, the very next edition would show some wear, and the printing from new plates, or portions of plates, along side the old, must necessarily result in a patchy looking page. To avoid that weakness, we finally concluded to add a little to the initial investment, and the printing plan is now the following:

All the copy is set up in linotype. The linotype, however, is not used to print from; it serves merely as the basis for making stereotype plates, from which the actual printing is done. The linotype becomes the property of the state, and is the basic loose leaf ledger of statutes. It is carefully preserved by the state printer, and in our office we have the final proofs showing its exact condition. After the ensuing session of the legislature, and even during the session, in anticipation, we use the final proof as printer's copy for the next edition, noting errors discovered in the course of our work, striking out such matter as is repealed and inserting the new enactments. The proof will then go to the printer after the adjournment of the legislature; whereupon he will bring out the linotype and make such proof corrections as are indicated in the proof-copy. When these are made, and the pages made up anew, we have another basis for a new set of stereotype plates as clear and fresh as in the beginning, and the linotype is again stored as before after pulling a final page proof for use in our office.

The plan of publication thus briefly outlined affords every advantage offered by the loose leaf system. We feel justified in saying that its feasibility has been fully established. At present writing two editions of the Wisconsin Statutes have been issued, one the original edition of 1911, and the second in 1913. The latter was ready for distribution within five months after the close of the legislative session. The delay in its publication was due very largely to the fact that the session of 1913 was a most unusual one, and involved the resetting of practically one-third of all the statutes in force. Our experience with this edition proves that under normal conditions, with the legislature adjourning, as usual, early in June, the statutes can be got ready for distribution within three months after adjournment, or in time for the opening of the next ensuing fall terms of court.